

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

Marcia M. Waldron

FOR THE THIRD CIRCUIT

Telephone

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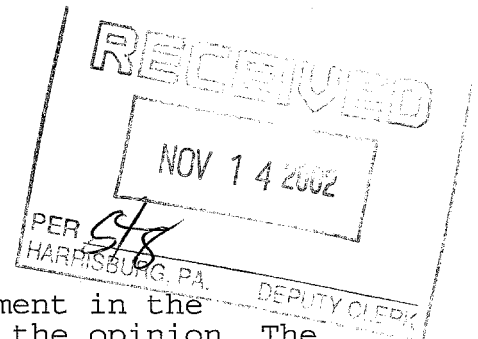
November 12, 2002

Mrs. Mary D'Andrea
U.S. District Court for the Middle District of Pennsylvania
Middle District of Pennsylvania
228 Walnut Street
Room 1060
Harrisburg, PA 17108

RE: Docket No. 01-3184
Kerwin vs. Bitner
D. C. CIV. No. 00-cv-01986

M. Waldron

Dear Mrs. D'Andrea:



Enclosed is a certified copy of the judgment in the above-entitled case(s), together with copy of the opinion. The certified judgment is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

(x) We return herewith the certified record in the case(s).

() We release herewith the certified list in lieu of the record.

Kindly acknowledge receipt for same on the enclosed copy of this letter.

Counsel are advised of the issuance of the mandate by copy of this letter. A copy of the certified judgment is also enclosed showing costs taxed, if any.

Very truly yours,
MARCIA M. WALDRON
Clerk

Kathy Brouwer
By: Kathy Brouwer
Case Manager

Enclosure

ack'd 11/14/02

cc: Mr. Ryan Michael Kerwin

STB

cc: Judge Caldwell, PRSLC Taggart

(28)
RB 11/15

APS-239

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 01-3184

RYAN MICHAEL KERWIN,

Appellant

v.

FILED
HARRISBURG, PA

NOV 14 2002

MARY E. D'ANDREA, CLERK
Per 

ROBERT S. BITNER, OFFICER OF CHIEF COUNSEL; JAMES MORGAN,
SUPERINTENDENT OF SCI SMITHFIELD; A.C. BIVIANO, (PROGRAM REVIEW
COMMITTEE), DEPUTY FOR CENTRALIZED SVS.; M. HARLOW, CAPTAIN;
F.R. ROYER, A/CORR CLASS AND PROGRAM MANAGER

On Appeal From the United States District Court
For the Middle District of Pennsylvania
(D.C. Civ. No. 00-cv-01986)
District Judge: Honorable William W. Caldwell

Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)
July 25, 2002

Before: SLOVITER, RENDELL, AND FUENTES, CIRCUIT JUDGES

JUDGMENT

This case came to be heard on the record from the United States District Court for
the Middle District of Pennsylvania and was submitted for possible dismissal under 28

APS-239

UNREPORTED-NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 01-3184

RYAN MICHAEL KERWIN,

Appellant

v.

ROBERT S. BITNER, OFFICER OF CHIEF COUNSEL; JAMES MORGAN,
SUPERINTENDENT OF SCI SMITHFIELD; A.C. BIVIANO, (PROGRAM REVIEW
COMMITTEE), DEPUTY FOR CENTRALIZED SVS.; M. HARLOW, CAPTAIN; F.R.
ROYER, A/CORR CLASS AND PROGRAM MANAGER

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Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)
July 25, 2002

Before: SLOVITER, RENDELL, AND FUENTES, CIRCUIT JUDGES

(Filed: August 26, 2002)

OPINION

FILED
HARRISBURG, PA
NOV 14 2002
MARY E. D'ANDREA, CLERK
Per _____

PER CURIAM

Appellant Ryan Michael Kerwin, a state prisoner proceeding pro se, appeals an order of the United States District Court for the Middle District of Pennsylvania dismissing his civil rights complaint against various prison officials. Kerwin alleges in his amended complaint that on May 10, 2000, he was placed in SCI-Smithfield's restricted housing unit pending a hearing on a misconduct report. On May 12, 2000, he was found guilty of misconduct and sanctioned to sixty days of disciplinary custody in the restricted housing unit. On May 12, Kerwin also was transferred to the Bucks County Correctional Facility pursuant to a writ for a temporary absence from state custody. On July 13, 2000, Kerwin returned to the restricted housing unit at SCI-Smithfield. On August 14, 2000, he was sent to the Bucks County facility again and placed in administrative custody at the recommendation of SCI-Smithfield officials. Kerwin returned to the restricted housing unit at SCI-Smithfield on August 22, 2000. On September 15, 2000, he was released from disciplinary custody.

Kerwin claims that prison officials violated his due process rights by failing to apply the eight days he spent in administrative custody at the Bucks County facility to his sixty-day disciplinary custody sanction for misconduct. As a result, Kerwin states he spent sixty-eight days in disciplinary custody. He seeks compensatory and punitive damages.

In dismissing Kerwin's amended complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)